



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,982	12/16/1999	MARKO BALABANOVIC	074451.P108	9644

7590

08/27/2003

MICHAEL J. MALLIE  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 WILSHIRE BOULEVARD  
7TH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3

**Office Action Summary**

Application No.

09/465,982

Applicant(s)

BALABANOVIC ET AL.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 06/10/03.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12,14-24 and 26-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-12, 14-24, 26-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Applicant's Amendment filed 06/10/03 has been entered and carefully considered. Claims 1, 11, 21, 38 and 64 have been amended. Claims 3 and 13 have been canceled. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1, 2, 4- 12, 14-24 and 26-66 are rejected under the same ground of rejection as set forth in the Office Action mailed (02/26/03).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-12, 14-24 and 26-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. [US. 6,097,389] in view of Dom et al. [US. 6,166,735] and further in view of Ubillos [US. 5,999,173].

As to claims 1, 11, 48, 58 and 62, Morris et al. discloses means for displaying a first list of reduced visual representations of a plurality of media objects ordered automatically and grouped by media objects

Art Unit: 2174

relating to one another (see abstract and figure 12B, (305)). Morris et al. cites "...a page of the media container is displayed on a display device in a first region. The page is capable of displaying at least one visual representation of a digital media on the page...." read as the first list of reduced visual representations of the media objects; means for displaying a second list of reduced visual representations of the plurality of media objects ordered manually (see abstract, Figure 12B, (309)). Morris et al. also cites "...The first visual representation is displayed in a second region while displaying the page in the first region..." read as the second list; and the means for displaying the plurality of media objects (Figure 12E, (1251)). The difference between Morris et al. and the claim is means for navigating among the reduced visual representations and the plurality of media objects ordered automatically in chronological order and means for recording an audio narration, to create a new media object, to be associated with at least one of the reduced visual representations. Dom et al. shows the navigating among the reduced visual representations (see column 4, line 58 through column 5, line 7). Dom et al. cites "...to facilitate convenient user browsing of video objects stored...to allow a user to conveniently view only a desired portion of a larger video object...and browsing of video data object information pertaining to a stored video data object...." read as the means for navigating among the reduced visual representations; and the objects in chronological order (column 5, lines 25-32). It would have been obvious

to one of ordinary skill in the art, having the teachings of Morris et al. and Dom et al. before them at the time the invention was made to modify the plurality of media objects on plurality lists taught by Morris et al. to include the browsing the objects of Dom et al., with the motivation being to allow a user to conveniently view only a desired portion of a larger video object, rather than requiring that the user watch the video object from the beginning up to the desired segment as taught by Dom et al. While Dom et al shows the navigating among the reduced visual representations, Ubillos teaches recording an audio narration, to create a new media object, of the reduced visual representation (figure 4, column 5, lines 40-48) and the second list having a narration associated with at least one of the reduced visual representation (figure 5). Each video clip (reduced visual representation) includes an audio narration associated with it. Therefore it is expected the creation of new media object including the audio narration also. In figure 4, let says there exists one more video clip having thumbnail 56A (a new media object), the system of Ubillos still records one more audio narration (55A) for the new media object also.

It would have been obvious to one of ordinary skill in the art, having the teachings of Morris et al., Dom et al. and Ubillos before them at the time the invention was made to modify the reduced visual representations and the navigation among the reduced visual representations taught by Morris et al. and Dom et al., to include the an audio narration, to create a

Art Unit: 2174

new media object of the visual representations with the motivation being to display personal information of video, still image, and audio clips at desired positions for the user as taught by Ubillos.

As to claims 2 and 12, Morris et al. also discloses the first list comprises of imported stories, and the second list comprises of authored stories (column 6, lines 1-49).

As to claim 22, the difference between Morris et al., Dom et al., and the claim is means for recording a narration for an audio clip associated with each media object. Ubillos shows the audio clip (column 8, line 58 through column 9, line 25). It would have been obvious to one of ordinary skill in the art, having the teachings of Morris et al., Dom et al. and Ubillos before them at the time the invention was made to modify the lists of reduced visual representations taught by Morris et al. and Dom et al. to include the recording a narration for the audio clip of Ubillos, with the motivation being to display representations of video, still image, and audio clips at desired positions along a displayed time ruler as taught by Ubillos.

As to claims 4 and 14, Ubillos also shows the display means displays imported stories, the authored stories, and/or a representation for each associated audio clip for a selected object in the imported stories or the authored stories (column 5, lines 30-56).

As to claims 5 and 15, Ubillos teaches the imported stories are displayed on a first track, and the authored stories are displayed on a second track

Art Unit: 2174

and on a third track, the authored story on the third track being a story being created (column 2, lines 40-60).

As to claims 6 and 16, Morris et al. also teaches means for moving the authored story from the second track to the third track such that a user can edit the authored story (column 13, lines 7-36).

As to claims 7 and 17, Morris et al. shows means for displaying a first list of reduced visual representations of a plurality of media objects comprises means for displaying a series of audio files (column 8, lines 5-28).

As to claims 8 and 18, Morris et al. also shows the audio files are from a group comprising MP3 files, Liquid Audio files, and RealJukebox files, WAV files, or other compressed or uncompressed audio file formats (column 4, line 52 through column 5, line 12).

As to claims 9 and 19, Ubillos demonstrates means for displaying a first list of reduced visual representations of a plurality of media objects comprises means for displaying a plurality of video clips (column 5, lines 30-56).

As to claims 10 and 20, Ubillos also demonstrates the video clips are from a group comprising MPEG files, QuickTime files, AVI files, and RealVideo files (column 4, lines 37 to 47).

As to claim 21, the claim is analyzed as previously discuss with respect to claims 1 and 6 except for process operational input from the user, the operation input comprising playing the story, stopping recording or the

Art Unit: 2174

playing, and saving the story. Dom et al. shows the user input and playing the story (column 10, lines 20-42 and column 12, lines 3-25).

As to claim 23, Dom et al. discloses a third story track for a story being constructed, and wherein the navigation input further comprising adding an object to the third track, and removing an object from the third track (column 6, lines 1-26).

As to claim 24, Dom et al. also discloses the processor is further operable to display a plurality of narrations associated with the selected object (column 3, line 49 through column 4, line 14).

As to claims 26, 51 and 57, Morris et al. also teaches an object input device to input new objects, the new objects comprising imported stories, digital photographs, video clips, pages of documents, presentation slides, audio clips, and. web pages (column 6, lines 1-45).

As to claims 27, 28 and 52, Dom et al. demonstrates a docking cradle for communication and an output device to send a story to a recipient's email address in the form of email attachment and sending the story to a web server, assigning unique URL to the story, and sending the URL to the recipient by email (column 3, lines 13-32 and column 4, lines 1-13).

As to claim 29, Dom et al. also demonstrates a recording device to record a narration for the audio clip, the recording device being one of a group comprising voice activated recording and microphone recording (column 12, lines 4-23).



Art Unit: 2174

As to claims 30 and 42, the claim is analyzed as previously discuss with respect to claims 1, 3 and 4.

As to claims 31 and 40, Ubillos teaches displaying an audio clip comprises displaying all audio clips associated with the selected object, and wherein the audio clip associated with the story is displayed as a current audio clip, the current audio clip is played before all other audio clips. (column 13, lines 1-20).

As to claims 32 and 63, Morris et al. also teaches the story under construction in the third story track is placed at the end of the second story track when the construction is completed and wherein the story is saved in the storage device (column 6, lines 10-45).

As to claims 33 and 64, Dom et al. demonstrates grouping objects in the third story track and recording a narration for each object, and wherein saving the story comprises saving the objects and the associated audio clips (column 10, lines 23-45).

As to claims 34, 35, 46, 47 and 65, Morris et al. also demonstrates the story and the associated objects are saved as files in the storage device using a markup language format and the markup language format comprises HTML, SMIL, or XML (column 3, lines 40-60).

As to claims 36 and 44 the claim is analyzed as previously discuss with respect claims 1 and 21.

As to claims 37 and 45, the claim is analyzed as previously discuss with respect claims 1 and 31.

Art Unit: 2174

As to claims 38 and 59, the claim is analyzed as previously discuss with respect claims 1, 3 and 21.

As to claim 39, the claim is analyzed as previously discuss with respect claims 1, 4 and 36.

As to claim 41, Ubillos also teaches playing the audio clip further comprises selecting an alternative audio clip other than the current audio clip (column 3, lines 1-49).

As to claims 43 and 54, Morris et al. shows each story in the import track or in the author track has a different colored background from its adjacent stories (column 10, lines 11-53).

As to claims 49, 50, 60 and 61, Morris et al. also shows selecting an object comprises displaying the thumbnail images in high resolution if the selection is done in standard speed and displaying the thumbnail images in low resolution if the selection is done in high speed and not displaying the image and the associated audio clips when the selection is done in high speed (column 8, lines 55-67).

As to claim 53, Morris et al. demonstrates each imported story is an automatically constructed group, each imported story is visually distinguishable from another, and each authored story is visually distinguishable from another (column 5, lines 29-60 and column 6, lines 1-45).

As to claim 55, Morris et al. also demonstrates a gap represents a time difference between story creation times (see abstract).

Art Unit: 2174

As to claim 66, the claim is analyzed as previously discuss with respect to claims 1, 4, 31 and 36.

As to claim 56, Morris et al. shows the pointing device configured to enable the user to perform track selection, object selection, and moving of the selected object from one track to another track, the pointing device being one from a group comprising a mouse (column 12, lines 29-55).

***Response to Arguments***

Applicant has argued there is no “means for recording an audio narration, to create a new media object, to be associated with any of the visual representation”. The Examiner does not agree. Ubillos teaches recording an audio narration, to create a new media object, of the reduced visual representation (figure 4, column 5, lines 40-48) and the second list having a narration associated with at least one of the reduced visual representation (figure 5). Each video clip (reduced visual representation) (figures 4, (50, 52, 56) includes an audio narration associated with it (figure 4, (51, 53, 55). Therefore, it is expected that if the system of Ubillos creates one more video clip (let say 56A), the system also creates one more audio narration next to the clip. In figure 4, let says there exists one more video clip having thumbnail 56A (a new media object), the system of Ubillos still records one more audio narration (55A) for the new media object also.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2174

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Art Unit: 2174

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 4.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100